

**REGULAR MEETING
CITY COUNCIL
MARCH 3, 2005**

ROLL CALL:

MR. WOJCIK, MR. JUDGE, MR. DUNNE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MR. ARMET, MRS. MAHAR DERGURAHIAN
ABSENT: MS. MESSICK

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law Intro No. 10 Date March 3, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Armet

LOCAL LAW ENACTING HOOSICK STREET ZONING

§ 1. Hoosick Street Zoning is enacted to read as follows:

SEE PAGES "1" THROUGH "18"

Approved as to form, October 15, 2004

Corporation Counsel

Local Law ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05, Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 1 Date March 3, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Judge

**ORDINANCE AUTHORIZING AND DIRECTING SALE BY
THE PRIVATE SALE METHOD OF CITY-OWNED REAL PROPERTY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. Pursuant to Section 83-8 of the Troy Code, the Bureau of surplus Property accepted bids at private sale on the hereinafter described property located at:

765 2nd Avenue, S/B/L 80.32-7-11

Section 2. The Mayor is hereby authorized and directed to sell and convey the hereinafter described real property to the following named purchaser for the sum below indicated which is hereby determined to be a fair price for the same without the necessity of competitive bidding and upon the terms and conditions set forth below.

Section 3. The Mayor is hereby empowered to execute and deliver to the said bidder or bidders a quit claim deed conveying said premises hereinafter described, but said conveyance is to be made expressly subject to the conditions hereinafter set forth.

Section 4. The purchaser, purchase price and terms and conditions of sale are as follows:

PURCHASER: DINA HONSINGER, F.K.A. DINA LOMBARDO

PURCHASE PRICE: \$1,000.00

TERMS AND CONDITIONS: Demolish Structure, Clean and Maintain Lot.

- A. Within thirty (30) days of the effective date of this Ordinance, the purchaser shall pay the purchase price, and payment in lieu of City and School taxes prorated for the time prior to the first tax bill to the purchaser.
- B. Upon the 1st day of January, 2006, for City and County and upon the 1st day of July, 2006, school taxes and other assessments shall become due and payable by the purchaser except all water and sewer rents which shall be charged from the date of this conveyance.
- C. This conveyance is made subject to the condition that the structure must be demolished and the lot cleaned and maintained so as not to be a nuisance or detriment to its neighborhood within six (6) months after the date of the deed execution. If the purchaser, his successor, or assigns shall fail to comply with this condition, the City of Troy has a right to re-enter the property without refunding the purchase price and the property shall revert back to the City.

Section 5. The said real property is described as follows:

BEGINNING at a point 50 feet northward from the Northwest corner of the intersection of Second Avenue (Formerly State Street) with One Hundred Twenty-first Street (Formerly Clinton Street), running thence Westerly on a line parallel with One Hundred Twenty-first Street, 120 feet, thence Northwardly about 29 feet to the Southwest corner of a lot conveyed by Helen Allen to Charles F. Hall; thence Eastwardly along the South bounds of said last mentioned lot to the West line of Second Avenue; and thence Southerly along the said West line of Second Avenue in the place of beginning. The above property is also known as: 765 2nd Avenue, S/B/L 80.32-7-11.

Section 6. The City Treasurer is hereby authorized to cancel any and all taxes and tax sale certificates now in existence except water and sewer rents which have not become liens, and the City Treasurer is authorized to make appropriate notations upon the books and records of the City of Troy.

Section 7. This Ordinance shall take effect immediately.

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 3-04-05 - Approved, returned 3-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 **Date** March 3, 2005
Introduced by Council Member Armet
At the request of Administration **Seconded by** Mahoney

**ORDINANCE AMENDING THE 2005 CITY BUDGET
TO ACCEPT ADDITIONAL REVENUES AND
ALLOCATE EXPENDITURES NECESSARY FOR
SERVICES RELATED TO “NON-CRIMINAL FINGERPRINTING”**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2005 City Budget is hereby amended to provide for the acceptance of additional revenues and the allocation of expenditures necessary for services related to “non-criminal fingerprinting” as provided in Schedule “A” entitled:

“Non-criminal Fingerprinting Services”

which is attached hereto and made a part hereof. All payments for this service shall be made by certified check or money order and made payable to: the City of Troy-Treasurer.

Section 2. This act shall take effect immediately.

Approved as to form, February 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 **Approved, returned** 03-11-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3 Date March 3, 2005

Introduced by Council Member Collier

At the request of Administration Seconded by Judge

ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CAMP
DRESSER AND MCKEE (CDM) FOR TASK No. 2 OF THE MASTER SERVICES AGREEMENT
FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN, BIDDING AND
CONSTRUCTION OF A SLUDGE DEWATERING FACILITY FOR
THE JOHN B. BUCKLEY WATER TREATMENT PLANT

The City of Troy, convened in city Council, ordains as follows:

Section 1. The master services agreement between the City of Troy and Camp Dresser and McKee, dated July 22, 2003, was authorized by City Council Ordinance and is a term contract for June 2003 to June 2005. This contract is for professional engineering services related to the water and sewer systems as managed by the Department of Public Utilities.

Section 2. Under the terms of the previous Ordinance, each project task order shall be brought to the Council for approval prior to the Mayor's execution of the task order.

Section 3. This act shall take effect immediately.

Approved as to form, February 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-17-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4a Date March 3, 2005

Introduced by Council Member Wojcik

At the request of Administration Seconded by Dunne

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

K and K Properties, LLC

80.63-3-13

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above-referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, January 21, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 6

Noes: 2 – Judge, DerGurahian

Abstain: 0

Sent to the Mayor 03-04-05 - Not Endorsed, returned 3-11-05

Ordinance No. 4b Date March 3, 2005
Introduced by Council Member Wojcik
At the request of Administration Seconded by _____

WITHDRAWN

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
 PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
 LOCATED IN THE CITY OF TROY AND ON THE
 ASSESSMENT ROLL OF THE CITY OF TROY

Ordinance No. 4c Date March 3, 2005
 Introduced by Council Member Wojcik
 At the request of Administration Seconded by Collier

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
 PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
 LOCATED IN THE CITY OF TROY AND ON THE
 ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

INTERSTATE COMMODITIES

111.36-1-1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, January 21, 2005

 David B. Mitchell, Corporation Counsel

Ordinance FAILED by the following vote:

Ayes: 1 - Dunne

Noes: 7

Abstain: 0

Ordinance No. 4d Date March 3, 2005
 Introduced by Council Member Wojcik
 At the request of Administration Seconded by Collier

ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

River Triangle Company

101.45-5-8 and 101.53-3-1.21

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, January 21, 2005

David B. Mitchell, Corporation Counsel
Ordinance FAILED by the following vote:

Ayes: 0

Noes: 8

Abstain: 0

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 **Date** March 3, 2005
Introduced by Council Member _____ **Judge** _____
At the request of Administration **Seconded by** Krogh

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO RECOGNIZE ADDITIONAL
REVENUES AND TO MODIFY APPROPRIATIONS RELATIVE TO PROVIDING GOLF
CART RENTAL SERVICES**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2005 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule “A” entitled

“Golf Cart Services Budget Amendment”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, February 24, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 Date March 3, 2005

Introduced by Council Member Judge

At the request of Administration Seconded by Krogh

ORDINANCE AMENDING THE TROY CITY CODE OF ORDINANCES CHAPTER 216 “PARKS AND RECREATION”

The City of Troy, convened in City Council, ordains as follows:

Section 1. Chapter 216 of the Troy City Code Ordinances, “Parks and Recreation”, is hereby amended by the amended sections 216-7 to 216-13, as attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date March 3, 2005
 Introduced by Council Member Collier
 At the request of Administration Seconded by Krogh

**RESOLUTION DETERMINING A NEGATIVE DECLARATION
 ON SEQRA (STATE ENVIRONMENTAL QUALITY REVIEW ACT)
 NOTICE OF DETERMINATION ON NON-SIGNIFICANCE**

—

WHEREAS, the City Council will be voting on a Local Law to enact the Hoosick Street Zoning and the proposed Local Law is subject to the State Environmental Quality Review Act (SEQRA) and is classified as a Type I action; and

WHEREAS, the City of Troy Planning Department, Timothy M. Mattice, planner, and Charles Sarris, Deputy Corporation Counsel, prepared the SEQRA application, Environmental Assessment Form (EAF), which indicates that no significant impact to the environment is likely to occur as a result of the proposed action; and has determined a negative declaration (notice of determination of non-significance) pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Planning Department adequately identified the areas of potential adverse environmental impact; and

WHEREAS, the Planning Department examined the potential environmental impacts; and

WHEREAS, the Planning Department made a reasoned written evaluation of the basis for its negative determination; and

WHEREAS, the City Council and the Mayor, find that: this proposed zoning is subject to SEQRA; there are no other agencies involved; this proposal is a Type I action; and based on the EAF submitted, adequate information is available to determine that no significant impacts are likely to occur as a result of this proposal; and

WHEREAS, this SEQRA determination was prepared and processed pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and

WHEREAS, the determination of a Negative Declaration and approval of that Negative Declaration must precede the passage of any Local Law for zoning;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby declares a negative declaration on the SEQRA application for the Hoosick Street zoning, as prepared, processed and determined by the City Planning Department.

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 1 Date March 3, 2005
Introduced by Council Member Collier
At the request of Administration Seconded by Krogh

**RESOLUTION DETERMINING A NEGATIVE DECLARATION
ON SEQRA (STATE ENVIRONMENTAL QUALITY REVIEW ACT)
NOTICE OF DETERMINATION ON NON-SIGNIFICANCE**

WHEREAS, the City Council will be voting on a Local Law to enact the Hoosick Street Zoning and the proposed Local Law is subject to the State Environmental Quality Review Act (SEQRA) and is classified as a Type I action; and

WHEREAS, the City of Troy Planning Department, Timothy M. Mattice, planner, and Charles Sarris, Deputy Corporation Counsel, prepared the SEQRA application, Environmental Assessment Form (EAF), which indicates that no significant impact to the environment is likely to occur as a result of the proposed action; and has determined a negative declaration (notice of determination of non-significance) pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Planning Department adequately identified the areas of potential adverse environmental impact; and

WHEREAS, the Planning Department examined the potential environmental impacts; and

WHEREAS, the Planning Department made a reasoned written evaluation of the basis for its negative determination; and

WHEREAS, the City Council and the Mayor, find that: this proposed zoning is subject to SEQRA; there are no other agencies involved; this proposal is a Type I action; and based on the EAF submitted, adequate information is available to determine that no significant impacts are likely to occur as a result of this proposal; and

WHEREAS, this SEQRA determination was prepared and processed pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and

WHEREAS, the determination of a Negative Declaration and approval of that Negative Declaration must precede the passage of any Local Law for zoning;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby declares a negative declaration on the SEQRA application for the Hoosick Street zoning, as prepared, processed and determined by the City Planning Department.

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 Date March 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Judge

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT EXTENSION WITH BENETECH FOR THE PURPOSE OF**

**CONTINUING CONSULTING, MANAGEMENT AND CLAIMS
ADMINISTRATION IN RELATION TO THE WORKER'S COMPENSATION
AND SECTION 207 DISABILITY PROGRAMS FOR A TWO-YEAR PERIOD,
2005 AND 2006**

WHEREAS, Benetech is currently providing the services defined in the contract attached hereto and made a part hereof, and

WHEREAS, the City Council desires to formalize this relationship by executing these attached contracts.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby authorizing the Mayor to enter into a contract extension with Benetech for the purpose of continuing the consulting, management and claims administration in relation to the Worker's Compensation in Section 207 Disability programs for the two-year period, 2005 and 2006.

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date March 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration Seconded by Wojcik

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A
CONTRACT EXTENSION CONTRACT WITH BENETECH FOR THE
PURPOSE OF CONTINUING CONSULTING, MANAGEMENT AND CLAIMS
ADMINISTRATION IN RELATION TO THE CITY'S HEALTH INSURANCE
ADMINISTRATION FOR THE TWO-YEAR PERIOD, 2005 AND 2006**

WHEREAS, Benetech is currently providing the services defined in the contract attached hereto and made a part hereof, and

WHEREAS, the City Council desires to formalize this relationship by executing these attached contracts.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes the Mayor to enter into a contract extension contract with Benetech for the purpose of continuing consulting, management and claims administration in relation to the City's health insurance administration for the two-year period, 2005 and 2006.

Approved as to form, February, 15, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05
SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 Date March 3, 2005
Introduced by Council Member Armet
At the request of Administration Seconded by Dunne

**RESOLUTION AUTHORIZING THE STANDARDIZATION OF
TROY FIRE DEPARTMENT AERIAL LADDER VEHICLES
TO SUTPHEN MANUFACTURING**

WHEREAS, the practice of standardizing a specific vehicle or piece of equipment, while not eliminating competitive bidding or the use of NYS OGS or federal government contracts, will allow the City to purchase only from the approved manufacturer, and

WHEREAS, standardization insures uniformity in the designated vehicle and equipment, and

WHEREAS, since 1974, the Troy Fire Department has purchased a total of four aerial ladder vehicles and two of the vehicles, model years 1986 and 1992 are still in service, and

WHEREAS, standardization of this vehicle provides the City with economical and operational advantages, including but not limited to: interchangeable parts; bulk purchasing; major repair services; and man power versatility.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby authorizes the standardization of the Troy Fire Department Aerial Ladder Vehicles to Sutphen Manufacturing.

Approved as to form, February 24, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 Date March 3, 2005
Introduced by Council Member DerGurahian
At the request of Administration Amended by Wojcik
Seconded by Dunne

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons

Commissioners of Deeds for the City of Troy for a two-year term commencing March 3, 2005, through March 3, 2007:

David J. Anthony
 505 Sixth Avenue
 Troy, New York 12180

Laurie Iwaniec
 105 Third Street
 Troy, New York 12180

Margaret A. McDermott
 10 Donegal Avenue
 Troy, New York 12180

Colleen Oliksowycz
 105 Third Street
 Troy, New York 12180

Miles Blakeborough
 1851 Highland Avenue
 Troy, New York 12180

Jessica Leno
 105 Third Street
 Troy, New York 12180

Brian Rossiter
Rensselaer County Courthouse
Congress and Second Streets
Troy, New York 12180

Bianca Galligan
105 Third Street
Troy, New York 12180

Frances Mary Scott
2 First Street
Troy, NY 12180

Ann M. O'Brien
397 – 6th Ave
Troy, NY 12182

Approved as to form, March 22, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 03-04-05 Approved, returned 03-11-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting Adjourned 8:45 pm